

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2427
	)	
JOHN J. ATHANS, D.O.	)	<b>STIPULATION AND CONSENT</b>
Holder of License No. 2118 for the	)	<b>ORDER SUSPENSION OF LICENSE</b>
practice of osteopathic medicine in the	)	
State of Arizona.	)	
_____	)	

**STIPULATION**

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and John J. Athans, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and, Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public records which will be disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).
5. Respondent admits to the statement of facts and conclusions of law contained in the Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 5<sup>th</sup> day of MAY, 1998.

John Athans

John Athans  
John Athans, D.O.

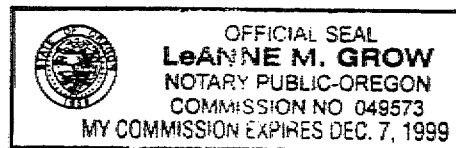
Oregon  
STATE OF ~~ARIZONA~~  
Yamhill ) ss  
County of ~~Maricopa~~ )

This instrument was acknowledged before me this 5 day of May, 1998 by the above-named individual.

LeAnne M. Grow  
Notary Public

My Commission expires:

12-7-99



REVIEWED AND APPROVED as to form by counsel for Respondent on this \_\_\_\_ day of

\_\_\_\_\_, 1998.

N/A

REVIEWED AND SIGNED this 16th day of May, 1998 for the Board by:

Ann Marie Berger

Ann Marie Berger, Executive Director  
Arizona Board of Osteopathic Examiners in Medicine  
and Surgery

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2427
	)	<b>CONSENT ORDER FOR TEMPORARY</b>
JOHN J. ATHANS, D.O.	)	<b>SUSPENSION OF LICENSE</b>
Holder of License No. 2118 for the	)	
practice of osteopathic medicine	)	
in the State of Arizona.	)	
_____	)	

**FINDINGS OF FACT**

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent is a licensee of the Board and the holder of License No. 2118 for the practice of osteopathic medicine in the State of Arizona.
3. Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854:
  - a. On or about March 25, 1998 the Board received information from John C. Lincoln Hospital-Deer Valley, that Respondent's hospital privileges were summarily suspended due to allegations of substance abuse and narcotics which were unaccounted for. Respondent also refused to take a urine drug screen as required by the hospital.

- b. On or about March 25, 1998 the Board issued an Order to Submit to Biological Testing to Respondent which tested positive for Benzodiazapines.

On or about March 27, 1998 Respondent informed the Board's Complaint/Compliance Manager that he was self-medicating with Valium, Prozac and Tangamet.

3. In public session, the Board voted on March 28, 1998 that Respondent was medically and/or psychologically unable to engage in the practice of medicine and was an immediate threat to the health and welfare of the public. Respondent was present at the Board's public session on March 28, 1998.

### CONCLUSIONS OF LAW

The aforementioned conduct alleged against Respondent constitutes unprofessional conduct as defined at A.R.S. § 32-1855:

- (3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.
- (19) Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession.
- (22) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.
- (41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

## ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. John Athans, D.O. ("Respondent") shall refrain from the practice of osteopathic medicine and surgery until he has complied with the following terms and conditions of this agreement:

- a. Respondent will successfully complete the in-patient evaluation for possible chemical dependency at either Springbrook Northwest in Newberg, Oregon (hereinafter "Springbrook") or Talbott Recovery Center in Atlanta, GA (hereinafter "Talbott"). Should Springbrook or Talbott find an assessment of chemical dependency, Respondent will follow the recommendations for treatment.
- b. Respondent will develop a plan for aftercare treatment and monitoring which shall include, but may not be limited to, individual and/or group counseling sessions, random body fluid testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meetings with the Board, and submit this plan to the Board for its approval.

2. Respondent will sign a release authorizing personnel at Springbrook or Talbott inform the Board of his progress as to his in-patient evaluation and any in-patient treatment program, and will provide the Board with a copy of any and all records pertinent to his diagnosis and treatment while a patient at said facility and upon discharge.

3. Respondent will meet with the Board upon reasonable notice after discharge from Springbrook Northwest or Talbott to discuss his compliance with this agreement and to discuss the terms and conditions under which he will be allowed by the Board to resume the practice of osteopathic medicine and surgery in the State of Arizona.

a. Respondent's Board License No. 2118 for the practice of osteopathic medicine and surgery in the State of Arizona is hereby placed under probation for five (5) years and shall comply

with the terms and conditions of probation as set forth herein. That period may be shortened upon application by the Respondent and approval by the Board. Respondent may not request any modification during the first year of probation.

b. Respondent shall participate in a mini-residency program regarding proper prescription habits within six months of the date of this Order and shall obtain at least twenty continuing medical education ("CME") credits in the subject area of appropriate prescribing of narcotic and controlled substances and substance addiction in the first two years of the probationary term. This additional twenty CME credits is above the required amount of CMEs required for renewal of licensure.

c. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine; and, Respondent shall continue to make the aforementioned disclosure and provide the copies of this Consent Order until the expiration of this Order.

d. Respondent shall not consume illicit drugs or take any controlled substances (i.e. prescription only drugs), unless the treating physician prescribes such medication for Respondent. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by him and such log shall include the following information:

- (i) the name of the medication;
- (ii) the name of the prescribing physician;
- (iii) the reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not she

is taking any prescription only medication and, if so, a copy of the log reflecting the above information.

e. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's Executive Director which shall be given at least five (5) days prior to the Board Meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

f. This order shall supercede and replace all prior orders of the Board concerning Respondent.

4. Should Respondent fail to comply with any of the terms and conditions of this stipulation and agreement, the Board may, upon notice and opportunity to be heard, take disciplinary action against his license to practice osteopathic medicine and surgery in the State of Arizona.

5. In the event Respondent ceases to reside in Arizona, he will give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to Arizona.

6. Respondent will continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

7. The Board's Executive Director will send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may



establish criminal misconduct by Respondent, i.e., illicit use of controlled substances and obtaining controlled substances illegally.

8. The Board may require that Respondent as part of his temporary suspension: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician/or psychologist which will be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's Executive Director which will be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e. within sixty (60) minutes of notification) required biological fluids for testing and said testing will be done at the Respondent's expense.

9. Respondent will reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter within sixty days of receipt of the request for payment.

10. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and will be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 16th day of May, 1998.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Ann Marie Berger  
Ann Marie Berger, Executive Director  
9535 E. Doubletree Ranch Rd.  
Scottsdale AZ 85258-5539

Served by personal service or  
sending U.S. certified mail  
this 18 th day of May, 1998 to:

John Athans, D.O.  
13020 N. Surrey Circle  
Phoenix AZ 85029

Blair Driggs  
Assistant Attorney General  
Office of the Attorney General  
1275 W. Washington  
Phoenix AZ 85007

Arizona Board of Pharmacy  
5060 N. 19th Ave., Suite 101  
Phoenix AZ 85015

Drug Enforcement Administration  
Attention: Diversion Section  
3010 N. 2nd St  
Phoenix AZ 85012

Anita Boyd